

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MICHAEL HOWARD HUNTER,  
Petitioner,  
vs.  
OZZIE D. KNEZOVICH,  
Respondent.

NO. CV-09-286-CI  
ORDER DENYING MOTION

BEFORE THE COURT is Mr. Hunter's Motion to Vacate and Grant Leave to Amend or for Relief from Judgment by Independent Action pursuant to Fed. R. Civ. P. 60 (Ct. Rec. 37). Petitioner, a *pro se* prisoner at the Spokane County Jail is proceeding *in forma pauperis*; Respondent has not been served.

Mr. Hunter's petition was denied without prejudice as ancillary to CV-09-166-CI on November 9, 2009, and judgment was entered (Ct. Recs. 35 and 36). Petitioner's current motion is noted for hearing on December 24, 2009. It was heard without oral argument on the date signed below.

Petitioner is not entitled to relief under any of the subsections of Rule 60(b) because his motion, which primarily reargues his earlier position that he should be released due to an alleged retaliatory prosecution, did not present the type of newly discovered evidence or other "extraordinary circumstance" that would warrant disturbing this court's judgment. *See Maraziti v. Thorpe*, 52 F.3d 252, 254-55 (9th Cir.1995).

1 Accordingly, **IT IS ORDERED** Petitioner's Motion (Ct. Rec. 37) is **DENIED**.

2 **IT IS SO ORDERED.** The District Court Executive shall enter this order,  
3 forward a copy to Petitioner and close the file.

4 **DATED** this 3rd day of December, 2009.

5 s/Lonny R. Suko

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LONNY R. SUKO  
7 CHIEF UNITED STATES DISTRICT JUDGE